

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI

In re:	)	Case No. 10-10191-399
	)	
RONNY LIND CLARK, JR. and	)	
TINA GAIL CLARK,	)	Chapter 7
	)	
Debtors.	)	MOTION NO. _____
	)	
GREEN TREE SERVICING, LLC,	)	
	)	
Movant,	)	Hearing Date: April 6, 2010
	)	Hearing Time: 1:45 p.m.
v.	)	Hearing Location: Courtroom <u>3A</u>
	)	555 S. Independence Street
RONNY LIND CLARK, JR. and	)	Cape Girardeau, Missouri 63701
TINA GAIL CLARK,	)	
Debtors,	)	
and	)	
RICE P. BURNS, JR.,	)	MOVANT WAIVES 30 DAY HEARING
Trustee,	)	
	)	RESPONSE DEADLINE: <u>March 30, 2010</u>
Respondents.	)	

MOTION TO LIFT AUTOMATIC STAY AND  
NOTICE OF HEARING THEREON

Green Tree Servicing, LLC f/k/a Green Tree Finance Servicing Corp. ("Green Tree")

states as follows:

PLEASE TAKE NOTICE that Green Tree Servicing, LLC f/k/a Green Tree Finance Servicing Corp. will call up this Motion before the judge assigned to this case on April 6, 2010, at 1:45 p.m., in Courtroom 3A, Rush Hudson Limbaugh, Sr. United States Courthouse, 555 S. Independence Street, Cape Girardeau, Missouri 63701, or as soon thereafter as the same may be heard.

**WARNING: Any response or objection must be filed with the Court by March 30, 2010. A copy must be promptly served upon the undersigned. Failure to file a timely response may result in the Court granting the relief requested prior to the hearing date.**

1. Green Tree is the owner and holder of a certain Manufactured Home Transfer of Equity and Assumption Agreement ("Agreement") that was executed by Debtors Ronny L. Clark and Tina G. Burns ("Debtors"). A copy of this document is marked as Exhibit 1.

2. The Agreement granted Green Tree a security interest in the following: 1998 Homes of Legend Inc. Mobile/Manufactured Home, 16x80 with VIN# HL8177AL, stove, refrigerator, washer, dryer, air conditioner, skirting and all fixtures therein ("Property").

3. The security interest in the Property was duly perfected by the filing of a Certificate of Title. A copy of this document is marked as Exhibit 2.

4. The total amount of GreenPoint's claim in this case is \$ 32,037.75.

5. The property is worth approximately \$ 21,115.50.

6. Green Tree is entitled to relief from the automatic stay for the following reasons: Debtors are delinquent in payments to GreenPoint and Debtors may have failed to maintain adequate insurance of GreenPoint's interest in the Property.

7. There is no equity in the Property and it is not needed for an effective reorganization.

8. Green Tree is entitled to immediate enforcement of an Order lifting the stay because the Property is depreciating and the lack of insurance exposes Green Tree to complete loss.

WHEREFORE, Green Tree Servicing, LLC prays that this Court lift the automatic stay as to the Property pursuant to 11 U.S.C. § 362(d), make its order effective immediately pursuant to Rule 4001 (a)(3), and for such other relief as the Court deems just and proper.

/s/ David G. Wasinger  
David G. Wasinger, EDMO #4646, MoBar #38253  
James S. Cole, EDMO #2851, MoBar #26787  
MURPHY WASINGER, L.C.  
Magna Place, Suite 550  
1401 South Brentwood Boulevard  
St. Louis, Missouri 63144  
(314) 961-0400  
(314) 961-2726 FAX  
Attorneys for GreenPoint Credit, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served electronically upon the Debtors' counsel, and the U.S. Trustee, according to the Court's electronic notice procedures, and that a further copy was mailed by U.S. Mail, postage prepaid, this 4<sup>th</sup> day of March, 2010, to:

Scott Fetterhoff  
Attorney for Debtors  
1210 Greenway Dr.  
PO Box 350  
Jackson, MO 63755

Rice P. Burns, Jr., Trustee  
733 N. Main  
PO Box 67  
Sikeston, MO 63801

Ronny L. Clark, Jr. and  
Tina G. Clark  
HC 2 Box 759  
Zalma, MO 63787

/s/ David G. Wasinger

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TINA GAIL CLARK,	)	Chapter 7
	)	
Debtors.	)	
	)	
GREEN TREE SERVICING, LLC,	)	
	)	
Movant.	)	

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the Motion For Relief From Automatic Stay filed by Green Tree Servicing, LLC f/k/a Green Tree Financial Servicing Corp. ("Green Tree") have been sent by first-class to the Trustee and are available to any other party upon request:

1. Manufactured Home Transer of Equity and Assumption Agreement;
2. Certificate of Title on a 1998 Homes of Legend Inc. Mobile/Manufactured Home showing lien perfection of Green Tree Servicing, LLC.

/s/ David G. Wasinger  
David G. Wasinger, EDMO #4646, MoBar #38253  
James S. Cole, EDMO #2851, MoBar #26787  
Attorneys for Green Tree Servicing, LLC

Copy of the above served this 4<sup>th</sup> day of March, 2010, on:  
Scott Fetterhoff, Attorney for Debtors  
Rice P. Burns, Jr., Trustee  
Office of the U.S. Trustee  
Ronny L. Clark, Jr. and Tina G. Clark